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11 Plaintiffs, In Pro Se

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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA
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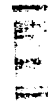
16 **LLOYD THOMAS BERNHARD, II, An**
17 **individual,**
18 **STEPHANIE CELESTE TEJADA-**
19 **OTERO, an individual**

20 **Plaintiffs,**

21 **v.**

22 **COUNTY OF SAN JOAQUIN, et al.**

23 **Defendants**
24
25



FILED

APR 25 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

2:21-cv-0172 JAM DB PS

**PLAINTIFFS REPLY TO ORDER TO
SHOW CAUSE**

1 **Plaintiffs, hereby respectfully reply to The Court's Order To Show Cause**
2 **signed by Magistrate Judge Deborah Barnes on April 8, 2022, and sent out for**
3 **Service on April 11, 2022, as follows:**

4 **The underlying case which is the subject of this Federal Complaint for**
5 **Damages was proceeding, in which the Agency had defied Court Orders, in**
6 **retaliation against Plaintiffs.**

7 **The underlying case had gone far beyond the 24 month period. Finally**
8 **being dismissed, on February 25, 2022, with the children permanently returned**
9 **to the parents.**

10 **The Plaintiffs have served all Defendants with the Federal Summons and**
11 **Complaint on April 22, 2022. An executed Return of Service is being filed with**
12 **this Court, together with this Reply on April 25, 2022.**

13 **On October 14, 2021, Plaintiffs had filed a Reply to the Court's Order to**
14 **Show Cause wherein the Plaintiffs asked for more time to serve Defendants**
15 **with the Federal Complaint while the underlying Juvenile Dependency case was**
16 **still ongoing. The Plaintiffs were in fear of further retaliation against them, if**
17 **the Federal Complaint was served during the time in which the children were**
18 **being transitioned home. Plaintiffs were sure, and in fear, that the Agency**
19 **would further defy Court Orders, as they already had, to implement the**
20 **transition, and therefore the children would not be returned to the Plaintiffs,**
21 **again, if the Federal Complaint were served during the time the underlying case**
22 **was still ongoing for transition and subsequent dismissal.**

23 **In the meantime, Plaintiffs were unaware, as mentioned in Honorable**
24 **Barnes' Order to Show Cause signed on April 8, 2022, wherein it is stated that**
25 **Plaintiffs' October 14, 2021 requesting a ninety day extension of time to serve**

1 the defendants was granted on December 17, 2021. Unfortunately, Plaintiffs
2 did not receive that Court's Order, surely if Plaintiffs had, they would not have
3 ignored a response to the Court. Indeed, Plaintiffs would have respectfully
4 asked for one more extension of time to serve the Summons and Complaint,
5 because the underlying Juvenile case was set for a close hearing date in
6 February, 2022 for possible Dismissal and therefore permanent family
7 reunification. As it was however, the Juvenile Court only set the case for
8 "Possible Dismissal" for a February 25, 2022 date (because it actually, still had
9 scheduled a June 10, 2022, hearing date for Contested Dependent Review
10 Hearing), but for the respectful, adamant, numerous requests of the Plaintiffs,
11 to the Juvenile Court, for an immediate Dismissal and, on February 25, 2022, a
12 Dismissal was finally granted, and the June 10, 2022 hearing vacated.

13 Once the Plaintiffs were served with the recent Order to Show Cause, the
14 Plaintiffs immediately served all Defendants with the Federal Summons and
15 Complaint on April 22, 2022 and as mentioned above, an executed Return of
16 Service is being filed together with this Reply on April 25, 2022.

17 Plaintiffs would like to wholeheartedly thank this Court and Honorable
18 United States Magistrate Judge Deborah Barnes for granting the initial
19 extension of time to serve the Defendants with the Summons and Complaint
20 and for allowing Plaintiffs this opportunity to Reply to the recent Order to Show
21 Cause, "in light of plaintiffs' pro se status, and in the interests of justice the
22 court will provide plaintiffs with an opportunity to show good cause for their
23 conduct."

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1 **Lastly, Plaintiffs are currently in vigorous and active discussion with an**
2 **attorney to step in this case and represent Plaintiffs. Plaintiffs hope to have**
3 **attorney engagement within the next 60 days.**
4

5 **I declare under penalty of perjury pursuant to the laws of the State of California**
6 **that the foregoing is true and correct.**
7

8 **Signed this 25th day of April, 2022, in City of Tracy, County of San Joaquin,**
9 **California.**

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12 **LLOYD THOMAS BERNHARD, Plaintiff In Pro Se**
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14 **I declare under penalty of perjury pursuant to the laws of the State of California**
15 **that the foregoing is true and correct.**
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17 **Signed this 25th day of April, 2022, in City of Tracy, County of San Joaquin,**
18 **California.**

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21 **STEPHANIE CELESTE TEJADA-OTERO, Plaintiff In Pro Se**
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